

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

COTY DILBECK,

*Plaintiff,*

v.

WILLIAM G. MILLER, *et al.*,

*Defendants.*

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Case No. 1:20-cv-182

District Judge Atchley  
Magistrate Judge Steger

**ORDER**

On February 12, 2021, United States Magistrate Judge Christopher H. Steger filed a Report and Recommendation [Doc. 9] pursuant to 28 U.S.C. § 636 and the rules of this Court. Under 28 U.S.C. § 1915(e)(2), the Court must screen actions filed by plaintiffs proceeding *in forma pauperis*. If at any time the Court determines such an action is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief from a defendant who is immune from such relief, the Court must dismiss the action. 28 U.S.C. § 1915(e)(2). Conducting this review, Magistrate Judge Steger found that Plaintiff's Complaint [Doc. 2] fails to state a claim for relief under 42 U.S.C. § 1983 because none of the named Defendants are state actors. Accordingly, the Magistrate Judge recommends this action be dismissed.

Plaintiff was advised that he had 14 days to object to the Report and Recommendation and that failure to do so would forfeit any right to appeal. [Doc. 9 at 3 n.1]; *see* Fed. R. Civ. P. 72(b)(2); *see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) ("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."). More than 14 days have passed and Plaintiff has not filed an objection to the Report and Recommendation. Despite the lack

of objection, the Court has reviewed the record and agrees with Magistrate Judge Steger's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the findings of fact and conclusions of law set forth in the Report and Recommendation [Doc. 9]. The Complaint [Doc. 2] is **DISMISSED** for failure to state a claim. A separate judgment shall enter.

**SO ORDERED.**

/s/ Charles E. Atchley, Jr.

CHARLES E. ATCHLEY, JR.

UNITED STATES DISTRICT JUDGE